

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS.**

Claims 25, 27, 29, 32, 33 and 37 are pending and are hereby amended. Claims 25 and 37 are independent. No new matter has been introduced. Claims 28 and 54 are hereby canceled without prejudice or disclaimer of any subject matter. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 25, 27-29, 32, 33 and 37 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,627,656 to Sonohara, et al. (hereinafter, merely "Sonohara").

Claim 25 recites, *inter alia*:

"An information recording apparatus comprising:

**a storage unit for recording AV data;**

**a multiplexer for separating said AV data into audio data and video data;** and

**a processor for controlling said information recording apparatus in accordance with a file system;**

**wherein said file system includes a root area which stores split position information for specifying overall structure of the file system; and**

**wherein said root area stores a count which is incremented every time said root area is rewritten.”** (Emphasis added)

As understood by Applicants, Sonohara relates to a motion picture reproducing apparatus having a file composed of a header in an image track on which image data have been recorded for a predetermined period of time and a sound track on which sound data have been recorded for the predetermined period of time. The image and sound data of the file are provided with track and data identifying numbers by a track identifying section and a data identifying section, respectively, and are outputted to a data synchronizing section. The data synchronizing section reads in order the image data and the sound data on the basis of the control information of the header, synchronizes the image data and the sound data to which the same data identifying numbers have been imparted with reference to the track and data identifying numbers which have been given to the image data and sound data, and outputs the image and sound data to reproduction units.

Applicants respectfully submit that Sonohara fails to teach or suggest the above-identified features of claim 25. Specifically, there is no teaching or suggestion of an information recording apparatus comprising a storage unit for recording AV data, a multiplexer for separating said AV data into audio data and video data, a processor for controlling said information recording apparatus in accordance with a file system wherein said file system includes a root area which stores split position information for specifying overall structure of the file system and wherein said root area stores a count which is incremented every time said root area is rewritten, as recited in claim 25.

Therefore, Applicants submit that independent claim 25 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 25, independent claim 37 is also believed to be patentable.

### **III. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### **CONCLUSION**

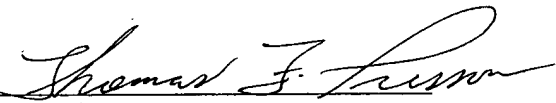
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any  
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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